

EXHIBIT B

2. Solengo has met any copyright registration requirement that may apply by virtue of 17 U.S.C. § 411. Specifically, Solengo has deposited the Document in the Copyright Office and paid the registration fee, and the Copyright Office has received plaintiff's application.

A true and correct copy of the receipt received from the Copyright Office is attached to this Declaration as Exhibit A.

3. On March 28, 2007, I was informed that DealBreaker posted on its website an electronic version of a confidential document created by Solengo (the "Document").

4. Later that day, I sent a letter to DealBreaker demanding on behalf of my client that DealBreaker remove the posting from the website on the ground, *inter alia*, that the posting violated copyright laws. A true and correct copy of the letter is attached to this declaration as Exhibit B.

5. The next day, on March 29, 2007, DealBreaker published my letter on a website that it operated along with associated commentary indicating that it refused to comply with our demand to remove the posting of the Document. Attached to this declaration as Exhibit C is a copy of this website posting as of March 29, 2007.

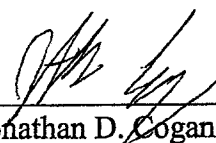
6. In addition, on March 29, 2007, I received a telephone call from Mr. Carney. Mr. Carney indicated on that call that DealBreaker was unwilling to remove its posting of the Document from its website.

7. That evening, Mr. Carney appeared on a television program on CNBC to discuss, *inter alia*, the fact that DealBreaker had posted the Document.

8. On March 30, 2007, our offices called DealBreaker and spoke with Ms. Levin and provided notice that we intended to file for a temporary restraining order later that day, pursuant to Rule 65 of the Federal Rules of Civil Procedure. Also on March 30, 2007, at approximately 3:45 p.m., our offices called DealBreaker and spoke with Mr. Carney, again stating that we intended to file for a temporary restraining order and demanding that the Document be removed from DealBreaker's website. This demand was refused.

9. Shortly thereafter, Dealbreaker posted commentary on its website indicating that it had received notice of Solengo's intention to seek a temporary restraining order and claiming that its use of Solengo's copyrighted materials is somehow protected under the "fair use" doctrine. Attached to this declaration as Exhibit D is a copy of this website posting as of March 30, 2007.

10. I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed the first day of April, 2007, at New York, New York.



Jonathan D. Cogan

EXHIBIT A



Receipt

Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20559-6000

No. **187405**

Date **3.30.07**

Received

☐ Not examined in information section

Form(s) **1 TX**

Number of copies **one**

Type of deposit copies **Printout**

Document(s)

Cover letter

Other enclosures

Refer to

Services

☐ Search

☐ Photocopies

☐ Additional certificates

☐ Certifications

☐ Secure text exam

☐ Transfer to photoduplication

☐ Other (specify)

Method of Payment

☐ Cash

☐ Check

☐ Money order

☒ Deposit account

☒ Credit card

Type **AE** Auth # **97220** Amount: **\$45.00**

☐ No fee

☐ Fee to be determined

☐ For connection

ETN

Total Payment: **\$45.00**

Received from

Address

Justin V. Shar
40 Koko & Kim

1050 Con Ave NW DC 20006

Representing

Phone

Received for the Register of Copyrights by

Peg Miller

Title

Slings Capital: A New Approach to Commodities

and **her** others

Notes

SEE REVERSE FOR IMPORTANT INFORMATION

EXHIBIT B

KOBRE & KIM LLP

800 THIRD AVENUE
NEW YORK, NEW YORK 10022
TEL 212.488.1200
FAX 212.488.1220

NEW YORK
WASHINGTON, D.C.
WWW.KOBREKIM.COM

1050 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036
TEL 202.664.1900
FAX 202.664.1920

March 28, 2007

BY E-MAIL

Bess Levin
DealBreaker.com
Dead Horse Media
262 Mott Street, Suite 102A
New York, New York 10012

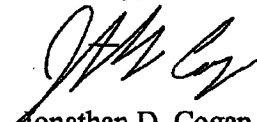
Re: Solengo Capital

Dear Ms. Levin:

We write on behalf of our client, Solengo Capital, to follow up on the issues we raised during our telephone conference this afternoon. As discussed, it has come to our attention that you are currently posting on your website, dealbreaker.com, a copy of an Offering Memorandum from Solengo Capital along with associated commentary.

The posting of this Offering Memorandum violates applicable copyright laws. It has been posted without Solengo's permission and its public disclosure is illegal and improper. In any event, it contains confidential information that is proprietary in nature about the company's future plans. In addition, the associated commentary is defamatory and damaging to the reputation of Solengo Capital and its principals. Accordingly, we demand that you remove this posting from your website immediately. If you do not remove the Offering Memorandum and associated commentary immediately, Solengo Capital may be forced to go to court in order to protect itself from the irreparable damage being caused by this posting.

Sincerely,



Jonathan D. Cogan
212.488.1231


EXHIBIT C

You need relief.
We're AboveTheLaw.com



**ABOVE
THE LAW**
A LEGAL GOSSIP SITE

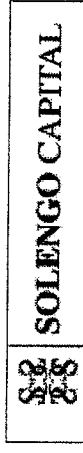
NEWS AND COMMENTARY



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Syndicate	Newsletter	Forum

Solengo's Lawyers Strike Back: We Still Say Suck It.



We're not going to pretend we're shocked that Solengo Capital didn't exactly love our response to their request to remove their marketing brochure from their website. We figured sooner or later they'd get a lawyer to write us a letter threatening to revoke our license to practice the internet or something.

And we got it.

"The posting of this Offering Memorandum violates applicable copyright laws," the letter from the Solengo attorney at Kobre & Kim begins. "In any event, it contains information that is proprietary in nature about the company's future plans."

Sorry. No dice. We write about "information that is proprietary in nature" about the "future plans" of companies all the time, Solengo-nauts. It's what we do. It's called financial journalism.

To be perfectly straightforward, we were actually slightly nicer to Solengo than we've been letting on. When they first called us we called them back and asked which portions of the brochure they didn't want us to print, and gave them the chance to play ball. At this point, most folks might have been for them to offer us kind of scoop on Solengo or Brian Hunter. We're very reasonable, and pretty easy to talk to. They should ask their friends in the hedge fund world, if they have any left. This whole "talking off the record to journalists" is what sensible people do when they want to influence the way a story is printed. In politics they call it "spinning."

But they didn't go for it. They wanted to play tough, and made unreasonable demands that we remove everything—the brochure and the posting that went with it. And they gave us very bad reasons for why we should comply—mainly, the loony-tunes confidentiality theory.

Which is when we decided that the correct response to them was what Andrew Ross Sorkin describes as "an off-color two-word phrase that essentially means 'no way.'"

We called the lawyers for Solengo back, by the way. Got voicemail. So far, no-one has returned our call.

After the jump, you can check out the full letter from their lawyer. Spoiler: they bring out the big guns and warn that they "may be forced to go to court" to sue us.

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Recent Comments

Wait a minute. The associated commentary is "defamatory and damaging to the reputation of Solengo

Posted By:

keep up the good fight dealbreaker!!!

Posted By: anon

What about applicable copyright law? Also loony-tunes?

Posted By: Anonymous

Forum Posts

ultra-right Israeli blog received Best Blog award
 Wholesale Distributor picture
 Anyone done biz...
 New here
 Hello, sort anooob here
 home prices
 Raters who Rate themselves and the investor who love them.
 What's the best way to break into hedge funds?
 Worst. Day. Ever.

Most E-Mailed

[Test Entry](#)

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 Sick of SAC?
 SCOTUS got you down?
 You need relief.
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Put your vizu web poll here

KOBRE & KIM LLP

800 THIRD AVENUE
 NEW YORK, NEW YORK 10022
 TEL 212-488-1200
 FAX 212-488-1220

NEW YORK
 WASHINGTON, D.C.
 WWW.KOBRE&KIM.COM

1080 CONNECTICUT AVENUE, NW
 WASHINGTON, D.C. 20006
 TEL 202-664-1900
 FAX 202-664-1920

March 28, 2007

BY E-MAIL

Bess Levin
 DealBreaker.com
 DealHorseMedia
 202 Mott Street, Suite 102A
 New York, New York 10012

Re: Solengo Capital

Dear Ms. Levin:

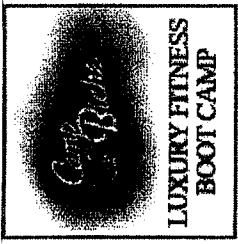
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Sincerely,

Jonathan D. Cogan
 Jonathan D. Cogan
 212-488-1231

By John Carney | 03:29.07 at 03:03 PM



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TrackBack

Use this Trackback URL for this entry:
<http://www.dealbreaker.com/cgi-bin/mt-tb.cgi/6650>

Comments

What about applicable copyright law? Also loony-tunes?

Posted by: Anonymous | March 29, 2007 03:06 PM

keep up the good fight dealbreaker!!!

Posted by: anon | March 29, 2007 03:25 PM

Wait a minute. The associated commentary is "defamatory and damaging to the reputation of Solengo Capital and its principals". Hhmmmm.....

I think that a 6b bad bet on a Hurricane is a little more damaging to one's reputation.

Posted by: Anonymous | March 29, 2007 03:27 PM

Post a comment

Name:

Email Address:

URL:

☐ Remember personal info?

Comments: (you may
use HTML tags for
style)

Preview Post

EXHIBIT D



MARHedge 12th Annual Mid-Year Institutional Investment Conference

April 13-17, 2007 • San Francisco, CA



Legal Education
ASSOCIATES

Offshore Funds 2007

Structure, Compliance & Operations

June 25-26, 2007 Flatotel, New York

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Solengo Seeks Court Order To Strip DealBreaker Of Brochure

SOLENGO CAPITAL

Lawyers for the hedge fund Solengo Capital say they will seek a court order barring DealBreaker from including its marketing brochure in our reporting. DealBreaker learned that Solengo will seek the order a few minutes ago when a lawyer from Kobre Kim, which represents Solengo, called our Soho headquarters.

Solengo claims, through its lawyers, that DealBreaker's coverage of the marketing materials infringes on the hedge fund's copyright. DealBreaker believes that its use of the materials for news reporting purposes is protected as "fair use" under the copyright laws.

Solengo's lawyers told DealBreaker they will seek a temporary restraining order against John Carney, Bess Levin, Elizabeth Spiers and "persons unknown" to prevent the continued publication of the brochure on the website.

Solengo Capital is a hedge fund started by traders from the collapsed Amaranth Advisors. It has reportedly been seeking capital from investors. Last night on CNBC's "On The Money," Charlie Gasparino said that he had heard much of the initial capital was coming from Saudis. The Solengo traders specialize in commodities, and are headlined by Brian Hunter, the energy trader whose bets on natural gas futures reportedly brought down Amaranth.

DealBreaker included the marketing materials as part of its reporting on the launch of the new fund. The quick return to the hedge fund world by traders associated with Amaranth has provoked interest and controversy. A combination of secretive habits and SEC rules intended to protect the public from predatory practices has meant that the public rarely gets to see the materials hedge funds use to promote themselves to their wealthy investors. The appearance of the brochure on DealBreaker's website may be the first time many in the public have had a first-hand glimpse at the fund raising activities of a hedge fund.

A call to Solengo's attorneys seeking further clarification went unreturned at the time of this posting.

This is officially getting exciting!

Update: Here is a link to the famed Solengo marketing brochure.

Update: We received a call from **Kobre & Kim**, Solengo's attorneys, demanding one last time that we remove the brochure. We once again declined. They informed us that they intend to seek the temporary restraining order this afternoon.

Update: Read the latest Solengo Capital news on our [special Weekend Update page!](#)



Send us tips
Subscribe (RSS/XML)

Recent Comments

Solegno did a pretty good job of covering the cardinal stock photography cliches.

Posted By: Zbignew

Wow. Amazingly boring stuff. Looks just like every other piece of fund marketing material I've ev

Posted By: Yawn

who's dealbreaker's counsel?

Posted By: anon

gotcha, send it to tips at dealbreaker.com.

Posted By: anonymous

Have they sent a restraining order? By the way, how does one "restrain" a blog anyway? It sounds

Posted By:

I have the rentech ppm's for all of their funds, and i am so tempted.

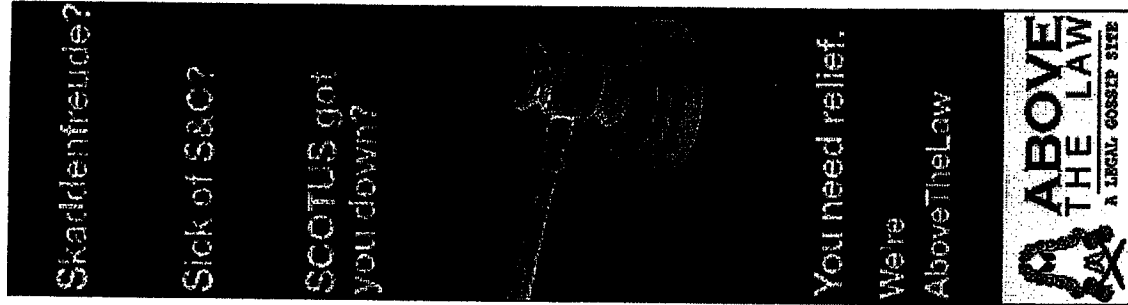
Posted By: gotcha

voiceoftheemployee: can you send a copy to me at also at swordfishstan (at) gmail

t

Posted By: swordfish

anon 4:13: yeah but not on a friday @ 4:18pm... nxt



Put your vizu web poll here

By John Carney | 03.30.07 at 02:31 PM

TrackBack

Use this Trackback URL for this entry:
<http://www.dealbreaker.com/cgi-bin/mt-tb.cgi/6697>

Comments

go Dealbreaker go!

Posted by: anonymous | March 30, 2007 02:59 PM

So the Kobra Kai's are back?! Be careful they don't try to sweep the leg.

Posted by: Credit Junkie | March 30, 2007 03:09 PM

Put 'em in a body bag Carney!

/still funny the 2nd time.

Posted by: PBateman | March 30, 2007 03:15 PM

I don't know why their brochure didn't include a picture of the guy holding a big fish?

Posted by: Bend5 | March 30, 2007 03:17 PM

"I don't know why their brochure didn't include a picture of the guy holding a big fish?"

I think if they had done that, Dealbreaker would have given them a pass for being good sports.

Posted by: Booya | March 30, 2007 03:25 PM

They say you're nobody until a ravenous pack of Wall Street lawyers start chewing on your balls.

Dealbreaker, I salute you!

Posted by: snapfinger | March 30, 2007 03:26 PM

Do you guys have any DE Shaw or Renaissance Technologies brochures kicking around? I would love to know more about what the competition is up to.

Posted by: anonymous | March 30, 2007 03:42 PM

i have a rentech mktng doc. for their latest long/short fund. only a hard copy though....

Posted by: voiceoftheemployee | March 30, 2007 04:05 PM

so long as you are mixing it up, would you mind posting a non-blow up to huge proportions version of the brochure?

maybe a pdf or something.

so i can carry it around on my blackjack.

Posted by: Anonymous | [March 30, 2007 04:06 PM](#)

I don't think they'll be in desco or rentec's level for a while, but if Brian puts his mind to it... watch out

Posted by: anonymous | [March 30, 2007 04:10 PM](#)

voiceoftheemployee, can you scan and upload it?

Posted by: anonymous | [March 30, 2007 04:13 PM](#)

Johnny NoBalls must be their securities lawyer. It's not even the PPM that's on display. You should counterclaim for placement fees.

Posted by: [Percy Walker](#) | [March 30, 2007 04:17 PM](#)

Fin Alternatives has it in pdf form, you have to register for the site, but its free. It's all the way on the bottom of this page.

<http://www.finalternatives.com/node/1397>

Posted by: Anonymous | [March 30, 2007 04:17 PM](#)

anon 4:13: yeah but not on a friday @ 4:18pm.... nxt week..some juicy bits about their many fee structures, prop. technology, and army of Phd code crackers that create the systems....

Posted by: voiceoftheemployee | [March 30, 2007 04:22 PM](#)

voiceoftheemployee:

can you send a copy to me at also at swordfishstan (at) gmail

thanks!

Posted by: swordfish | [March 30, 2007 04:34 PM](#)

i have the rentech ppm's for all of their funds. and i am so tempted.

Posted by: gotcha | [March 30, 2007 04:36 PM](#)

Have they sent a restraining order? By the way, how does one "restrain" a blog anyway? It sounds a little kinky to me.

Posted by: Anonymous | [March 30, 2007 04:42 PM](#)

gotcha, send it to tips at dealbreaker.com.

Posted by: anonymous | [March 30, 2007 04:50 PM](#)

who's dealbreaker's counsel?

Posted by: anon | [March 30, 2007 04:55 PM](#)

Wow. Amazingly boring stuff. Looks just like every other piece of fund marketing material I've ever seen.

Posted by: Yawn | March 30, 2007 10:36 PM

Solegno did a pretty good job of covering the cardinal stock photography cliches.

<http://www.fortymedia.com/blog/post/20>

But they missed the handshake and the flirty receptionist with the headset. If they're going after the arabs, they better make sure she's blonde.

Posted by: Zbignew | March 31, 2007 12:37 AM

Post a comment

Name:

Email Address:

URL:

☐ Remember personal info?

Comments: (you may use HTML tags for style)

